

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE
COMPANY,

Plaintiff/Counterclaim Defendant,

v.

VESTMONT LIMITED PARTNERSHIP,
VESTMONT LIMITED PARTNERSHIP II,
VESTMONT LIMITED PARTNERSHIP III,
and VESTERRA CORPORATION d/b/a
MONTGOMERY SQUARE PARTNERSHIP,

Defendants/Counterclaim Plaintiffs.

CIVIL ACTION NO. 05-11614-WGY

**PLAINTIFF JOHN HANCOCK LIFE INSURANCE COMPANY'S
MOTION FOR REIMBURSEMENT OF LEGAL EXPENSES**

Plaintiff John Hancock Life Insurance Company ("John Hancock" or "Hancock") hereby moves, pursuant to Fed. R. Civ. P. 54(d), for an order directing defendants Vestmont Limited Partnership, *et al.* (collectively "Vestmont") to reimburse Hancock for its costs and expenses, including its reasonable attorneys' fees, incurred in this action (collectively, Hancock's "Legal Expenses"). As the prevailing party, John Hancock is entitled to recover its Legal Expenses, including attorneys' fees, pursuant to the terms of the parties' contract. The parties previously agreed to submit any and all issues pertaining to the recovery of attorneys' fees and costs to this Court for resolution. The total amount of Legal Expenses for which John Hancock seeks reimbursement is \$781,698.25, including approximately \$457,000 in Legal

Expenses incurred preparing to try, and actually trying this action since the final pre-trial conference on March 30, 2006.

WHEREFORE, John Hancock respectfully requests that this Court: (1) award Hancock its Legal Expenses incurred in this action in the total amount of \$781,698.25, including reasonable attorneys' fees of \$646,617.77, and other related costs and expenses of \$135,080.48; and (2) grant such other relief as the Court deems just and appropriate in the circumstances.

In support of this Motion, John Hancock relies on its Memorandum of Law in support of this Motion and the Affidavit of Brian A. Davis, Esq., submitted herewith.

Request for Oral Argument

John Hancock respectfully requests oral argument on this Motion.

JOHN HANCOCK LIFE INSURANCE
COMPANY

By its attorneys,

/s/ Brian A. Davis

Brian A. Davis (BBO No. 546462)

Paul D. Popeo (BBO No. 567727)

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Date: May 25, 2006

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LOCAL RULE 7.1 AND 37.1 CERTIFICATION

Pursuant to Local Rule 7.1(A)(2) and 37.1(a), the undersigned counsel for the Plaintiff hereby certifies that he has conferred in good faith with counsel for the Defendants concerning the subject matter of this Motion. The parties were not able to resolve or narrow the issues raised therein.

/s/ Brian A. Davis

Brian A. Davis

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 25, 2006.

/s/ Brian A. Davis

Brian A. Davis

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